

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	Case No. 14-70872-JAD
	:	
<b>DAVID L. SUITERS AND JAYME</b>	:	
<b>L. SUITERS,</b>	:	Chapter 13
	:	
<b>Debtors.</b>	:	
	:	
	:	Doc. No.
	:	
	:	Related Doc. No. 48
	:	
	:	

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

***I. PLAN CONFIRMATION:***

**IT IS HEREBY ORDERED** that the Chapter 13 Plan dated **July 29, 2016** is **CONFIRMED as modified** at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. Only those provisions which are checked below apply to this case:

☒ **A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,763.00 as of July 29, 2016.** Debtor(s) counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order.

☐ **B. The length of the Plan is increased to a total of \_\_\_\_\_ months.** This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.

☐ **C. Plan confirmation is on an interim basis only as a form of adequate protection.** The Trustee is authorized to distribute to secured and priority creditors with percentage fees.

***A final plan conciliation conference will be held on \_\_\_\_\_ at .m., in Room 3251 US Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219.***

***If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.***

☐ **D.** Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. § 506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. § 507, and all objections to claims.

☐ **E.** The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

☐ **F.** \_\_\_\_\_ shall be paid monthly payments of \$ \_\_\_\_\_ beginning with the Trustee's \_\_\_\_\_ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.

☐ **G.** The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: \_\_\_\_\_.

☒ **H.** Additional Terms:

Debtor's Counsel shall file a Fee Application.

**II. IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan:** Pursuant to Fed.R. Bankr. P. 2002(b), this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall

be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to Retain Brokers, Sales Agents, or Other Professionals.**

If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Debtor(s) counsel or (Debtor(s), if not represented by counsel), must review all proofs of claim within thirty (30) days after the claims bar date. All objections to pre-petition claims shall be filed within ninety (90) days after the claims bar date, thereafter allowing at least thirty (30) days for a response.

**D. Motions or Complaints Pursuant to §§ 506, 507 or 522.** All actions to determine the priority, avoidability or extent of liens, all actions pursuant to *11 U.S.C. §§ 506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within ten (10) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) also shall file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claims as filed causes the Plan to be underfunded.

**III. IT IS FURTHER ORDERED THAT:**

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. § 1322(b)(2), nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on Debtor(s) or counsel for Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payment shall notify Trustee, Debtor(s) Counsel, and Debtor(s) at least twenty (20) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with W.PA.LBR 2016-1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a ***Certificate of Default and Request for Dismissal of the Case*** in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an ***Affidavit of Default*** by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

**BY THE COURT,**



**JEFFERY A. DELLER**

mas

Chief United States Bankruptcy Judge

Dated: November 14, 2016

cc: All Parties In Interest to be served by Clerk in 5 days

FILED  
11/14/16 12:46 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Notice Page 5 of 6**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 David L. Suiters  
 Jayme L. Suiters  
 Debtors

Case No. 14-70872-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jbre  
 Form ID: pdf900

Page 1 of 2  
 Total Noticed: 36

Date Rcvd: Nov 14, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2016.

db/jdb  
 13968618 +David L. Suiters, Jayme L. Suiters, 159 Sunny Crest Lane, Altoona, PA 16601-8813  
 14044121 +Altoona Emergency Phys, P.O. Box 62282, Baltimore, MD 21264-2282  
 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,  
 Los Angeles, CA 90051-5478  
 13968621 +CBJ Credit Recovery, P.O. Box 85520, Richmond, VA 23285-5520  
 14035054 +COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157  
 (address filed with court: Columbia Gas of Pa., PO Box 117, Columbus, OH 43216)  
 13968620 +Capital One Bank, P.O. Box 790216, Saint Louis, MO 63179-0216  
 13968622 +Central Credit Audit, P.O. Box 735, Sunbury, PA 17801-0735  
 13968623 +Clarion County DRS, P.O. Box 389, 17 South 4th Avenue, Clarion, PA 16214-1376  
 13968624 #+Collection Service Center, 1312 A Pl Valley Blvd, P. O. Box 68, Altoona, PA 16603-0068  
 13968625 +Comcast, P.O. Box 3001, Southeastern, PA 19398-3001  
 13968627 +Community State Bank of Orbissonia, 620 Main Street, Saxton, PA 16678-1024  
 13968630 Fingerhut, Cardmember Services, P.O. Box 21550, Tulsa, OK 74121-1550  
 13968632 +KML Law Group, P.C., Suite 5000, BNY Independence Center, 701 Market Street,  
 Philadelphia, PA 19106-1541  
 13968634 +National Recovery Agency, 4201 Crums Mill Road, Harrisburg, PA 17112-2893  
 13968635 PHEEA, Student Loan Servicing Center, Harrisburg, PA 17130-0001  
 13968636 +Rec Management Group, 2901 University Ave #29, Columbus, GA 31907-7601  
 13968637 +State Collection Service, P.O. Box 6250, Madison, WI 53716-0250  
 13968638 +The Bureaus, Inc., 35353 Eagle Way, Chicago, IL 60678-1353  
 14029772 U. S. Department of Education, c/o FedLoan Servicing, P. O. Box 69184,  
 Harrisburg, PA 17106-9184  
 13968639 +Verizon, 500 Technology Drive, Suite 300, Saint Charles, MO 63304-2225  
 13968640 +Verizon Wireless, 1 Verizon Place, Alpharetta, GA 30004-8510

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr

E-mail/PDF: rmscedi@recoverycorp.com Nov 15 2016 03:16:21  
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 13968619 +E-mail/Text: bankruptcy@acacceptance.com Nov 15 2016 02:53:41 American Credit Acceptance,  
 P.O. Box 204531, Dallas, TX 75320-4531  
 13980319 +E-mail/Text: bankruptcy@acacceptance.com Nov 15 2016 02:53:41 American Credit Acceptance,  
 961 E. Main Street, Spartanburg, SC 29302-2185  
 13995406 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Nov 15 2016 03:42:43  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 13976819 E-mail/PDF: rmscedi@recoverycorp.com Nov 15 2016 03:16:21  
 Bureaus Investment Group Portfolio No 15 LLC, c/o Recovery Management Systems Corp,  
 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605  
 14266932 +E-mail/Text: bankruptcy@consumerportfolio.com Nov 15 2016 02:53:50  
 CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA 92619-7071  
 13968628 +E-mail/Text: bankruptcy\_notifications@ccsusa.com Nov 15 2016 02:54:07  
 Credit Collection Services, Two Wells Avenue, Newton Center, MA 02459-3246  
 13968629 +E-mail/Text: bknotice@erccollections.com Nov 15 2016 02:53:47 Enhanced Recovery Co., LLC,  
 8014 Bayberry Road, Jacksonville, FL 32256-7412  
 13968631 +E-mail/PDF: gecsed@recoverycorp.com Nov 15 2016 03:17:25 J.C. Penney, 1120 Boyce Road,  
 Pittsburgh, PA 15241-3909  
 14045811 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 15 2016 03:16:22  
 LVNV Funding, LLC its successors and assigns as, assignee of Windstream Communications,,  
 Inc., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 13968633 E-mail/Text: camanagement@mtb.com Nov 15 2016 02:53:25 M & T Bank, P.O. Box 840,  
 Buffalo, NY 14240  
 13987712 E-mail/Text: camanagement@mtb.com Nov 15 2016 02:53:25 M&T BANK, PO BOX 1288,  
 Buffalo, NY 14240  
 13994987 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 15 2016 03:16:53  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14041415 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2016 02:53:27  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 13973638 E-mail/PDF: rmscedi@recoverycorp.com Nov 15 2016 03:15:04  
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605

TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr  
 13968626 M&T BANK  
 Community State Bank

TOTALS: 2, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-7

User: jbre  
Form ID: pdf900

Page 2 of 2  
Total Noticed: 36

Date Rcvd: Nov 14, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 16, 2016

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor M&T BANK agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com  
Forrest B. Fordham, III on behalf of Debtor David L. Suiters FFordhamlaw@msn.com,  
fordham-law@hotmail.com  
Forrest B. Fordham, III on behalf of Joint Debtor Jayme L. Suiters FFordhamlaw@msn.com,  
fordham-law@hotmail.com  
Joshua I. Goldman on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6